

November 9, 2023

**Via ECF**

Hon. Ona T. Wang  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl St.  
New York, NY 10007-1312

Re: *Almonte et al. v. The City of New York et al.*, 22-cv-2903

Dear Judge Wang:

In the last month, Plaintiffs' counsel submitted their fully briefed motion to amend to include Detective Claudio Paula as an individual defendant to this action. Plaintiff also made an updated settlement demand to Defendants' counsel via telephone and in writing and are awaiting a response.

Both parties met and conferred regarding potential settlement and have tentatively blocked off deposition dates in November in order to keep the case moving forward regardless of the outcome of negotiations. To date, Plaintiff Heury Almonte and all three currently named Individual Defendants have been deposed.

Defendants are in the process of reviewing Plaintiff's updated settlement demand and are prepared to go forward with the depositions of Plaintiffs Genaro Almonte and Xiomara Almonte this month. Further, due to a miscommunication with Harlem Hospital, there has been a delay in obtaining Plaintiff Pedro Almonte's outstanding medical records, however, this issue appears to be resolved and Defendants anticipate receiving the medical records shortly. In addition, Defendants have submitted a FDNY HIPAA authorization provided by Plaintiff to obtain Plaintiff's records and Defendants hope to receive these records shortly. Upon receipt of these records, Defendants will be able to go forward with Plaintiff Pedro Almonte's deposition who, upon information and belief, is currently in ICE custody.

Finally, in light of the parties renewed settlement negotiations, due to defense counsel's need to address unexpected and pressing deadlines in other cases, and in light of the upcoming Thanksgiving holiday, Defendants are requesting a four (4) week extension to December 8, 2023 to respond to Plaintiff's motion to amend the pleadings. Plaintiff's counsel consents to this request. To the extent the Court is inclined to grant the within request, Defendants request that the Court endorse the following briefing schedule:

- Defendants' opposition, extended from November 10, 2023 to December 8, 2023; and
- Plaintiff's reply, extended from November 20, 2023 to December, 18, 2023.

Respectfully,

/s/

Sara Wolkenstorfer  
Rickner, PLLC  
*Attorneys for Plaintiffs*

***Thomas Lai s/***  
Thomas Lai  
Senior Counsel  
Special Federal Litigation Division  
*Attorney for Defendants*  
*City, Divers, Harding, and Roche*